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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William H. Simpson, et al.

**A PROCESS OF TRANSFERRING
TRANSFERABLE PROTECTION
OVERCOAT TO A DYE-DONOR
ELEMENT**

Serial No. 10/669,932

Filed 24 September 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 1752

Examiner: Schilling, Richard L.

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Commissioner For Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.

Carol A. Kukurudza
Carol A. Kukurudza

December 21, 2004
Date

Sir:

DECLARATION UNDER 37 C.F.R. §132

We, Jacob J. Hastreiter, Jr., and William H. Simpson, declare that:

Jacob J. Hastreiter, Jr. received the degree of Associate in Applied Science from Erie County Technical Institute, and has been employed as a research technologist with Eastman Kodak Company for 38 years, the last thirteen years of which have been dedicated to research in thermal media;

William H. Simpson received the degree of Ph.D. from the University of Pennsylvania in 1967, and was employed at Eastman Kodak Company from 1991 to 2004 as a research associate, working most recently in the area of thermal media, and is now retired;

we are co-inventors of the above-captioned patent application, and of the applied reference, U.S. Patent Application Publication US 2003/0176283A1 ("Simpson et al."); and

we are familiar with the Office Action dated 9 September 2004, and the reference cited therein.

The above-referenced pending application is directed to a process of forming a protection layer with an improved level of gloss on top of a thermal dye transfer image in a thermal print, wherein the protection layer comprises an effective amount of a gloss-enhancing compound that has a maximum absorption at a wavelength less than 400 nm, and does not substantially absorb light at a wavelength of 400-800nm (UV-absorbing), and wherein the printing is at a line speed of 0.4-2 milliseconds. The inventors are William H. Simpson, Jacob J. Hastreiter, Jr., and Robert F. Mindler.

The applied reference of Simpson et al. is directed to a heat transferable protective overcoat comprising a hydroxyphenyl triazine compound. The hydroxyphenyl triazine compound is taught as a UV-absorber in the Simpson et al. reference. The inventors of Simpson et al. are William H. Simpson, Jacob J. Hastreiter, Jr., and Kurt M. Schroeder.

It is noted that both William H. Simpson and Jacob J. Hastreiter, Jr., the Declarants, are inventors in both the pending application and the applied reference. Thus, the Declarants are an inventive entity in both the pending application and the applied reference.

Declarants seek to show herein, pursuant to MPEP §2132.01 and §2136.05 that the Simpson et al. reference, to the extent it may describe claimed subject matter of the pending application, describes Declarants' own work.

We, the Declarants, contributed the idea of providing a heat transferable UV protective overcoat to a thermal print to enhance image stability of the print in Simpson et al.. Kurt Schroeder, our co-inventor in Simpson et al., suggested various UV-absorbing compounds that might work for our purposes in providing a heat transferable protective overcoat with UV-absorbing properties for enhanced image stability in thermal printing, including the class of compounds claimed in Simpson et al.

In our continuing research in the area of thermal printing, we, the Declarants, discovered that UV-absorbing compounds had an improved gloss effect on the printed image, particularly at fast printing speeds (reduced line times). We worked with Robert Mindler regarding the effects of fast printing on image gloss.

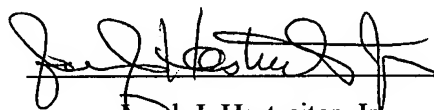
The concept of including a UV-absorbing material in a protective overcoat for a thermal print was conceived and developed by Declarants Jacob J. Hastreiter, Jr. and William H. Simpson jointly.

Thus, to the extent the claims of the pending application cover a protection layer for a thermal dye transfer image in a thermal print, wherein the protection layer includes a

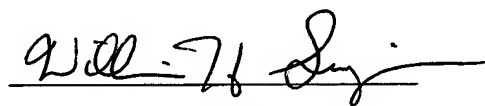
UV-absorbing compound, the claimed subject matter is attributable to the work of Declarants Jacob J. Hastreiter, Jr. and William H. Simpson, at least a portion of that work having been disclosed in the publication of Simpson et al, wherein Declarants are also an inventive entity. Thus, Simpson et al. discloses Declarants' own work.

The undersigned both declare further that all statements made herein of the undersigned's own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/17/2004


Jacob J. Hastreiter, Jr.

Date: 12/16/2004


William H. Simpson